

AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 289

Introduced by Senator Murray

February 19, 2003

~~An act to add Chapter 11.3 (commencing with Section 19875) to Part 3 of Division 13 of the Health and Safety Code, relating to solar energy. An act to add Section 17921.10 to the Health and Safety Code, relating to solar energy.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 289, as amended, Murray. Residential solar energy systems.

Existing law declares void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property that effectively prohibits or restricts the installation or use of a solar energy system. Existing law requires solar collectors to meet applicable standards and requirements imposed by state and local permitting authorities.

~~This bill would prohibit the construction of a single-family residence, that is intended for sale, unless the owner of the property offers potential bona fide purchasers the option of including a solar energy system on the residence before construction.~~

~~This bill would also prohibit the construction of a single-family residence on and after January 1, 2006, unless the single-family residence is constructed with a solar energy system that converts the sun's energy into more than 50% of the electrical energy that the single-family residence may be expected to use according to standards developed by the State Energy Resources Conservation and Development Commission.~~

This bill would require an owner of real property who constructs a single-family residence that is intended or offered for sale and is not subject to the other requirements of the bill to offer potential bona fide purchasers the option of including a solar energy system, as defined, on the residence. It would also require ___% of single-family residences constructed on or after January 1, 2006, to be constructed with a solar energy system that produces at least 2 kilowatts of electrical power to the residence. It would require the State Energy Resources Conservation and Development Commission, on or before January 1, 2008, to determine whether this 2 kilowatt requirement is sufficient to generate at least 50% of the energy needs of a single-family residence constructed on or after January 1, 2007. A violation of the State Housing Law is a misdemeanor, and by creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Chapter 11.3 (commencing with Section 19875)~~
- 2 *SECTION 1. Section 17921.10 is added to the Health and*
- 3 *Safety Code, to read:*
- 4 *17921.10. (a) An owner of real property who constructs a*
- 5 *single-family residence that is intended or offered for sale and is*
- 6 *not subject to the requirement in subdivision (b) shall offer*
- 7 *potential bona fide purchasers the option of including a solar*
- 8 *energy system on the residence.*
- 9 *(b) ___ percent of single-family residences constructed on or*
- 10 *after January 1, 2006, shall be constructed with a solar energy*
- 11 *system that produces at least two kilowatts of electrical power to*
- 12 *the residence.*
- 13 *(c) The State Energy Resources Conservation and*
- 14 *Development Commission shall, on or before January 1, 2008,*
- 15 *determine whether the two kilowatt requirement of this section is*

sufficient to generate at least 50 percent of the energy needs of a single-family residence constructed on or after January 1, 2007.

(d) For purposes of this section, “solar energy system” means any photovoltaic solar collector or other photovoltaic solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electric generation.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

~~is added to Part 3 of Division 13 of the Health and Safety Code, to read:~~

~~CHAPTER 11.3.—RESIDENTIAL SOLAR ENERGY CONSTRUCTION~~

~~19875.—No person may construct a single-family residence, that is intended for sale, unless the owner of the property offers potential bona fide purchasers the option of including a solar energy system on the residence prior to construction.~~

~~19876.—No person may construct a single-family residence on and after January 1, 2006, unless the single-family residence is constructed with a solar energy system that converts the sun’s energy into more than 50 percent of the electrical energy that the single-family residence may be expected to use according to standards developed by the State Energy Resources Conservation and Development Commission. The commission shall develop home energy consumption standards based upon, among other relevant factors, size of the home, geographic location, construction materials, and average energy requirements of typical home appliances.~~